

## HOUSE....No. 26.

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### Commonwealth of Massachusetts.

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HOUSE OF REPRESENTATIVES, Jan. 25, 1855.

The Committee on the Judiciary, to whom was referred the Order of January 20, 1855, relative to various matters of Practice in the Supreme Judicial Court, have considered the same, and

### REPORT

thereon as follows:—

We were first directed to inquire into the expediency “of amending the 82d section of chapter 312 of the Acts of 1852, so that the party removing actions to the Supreme Judicial Court shall be compelled to enter them as therein provided.” It seems to the Committee unnecessary to legislate thereon, inasmuch as by existing laws, in case of such removal, the action is, by the Clerk of the Court, forthwith entered at the charge of the party removing it.

We were next directed to inquire, “whether any further legislation is necessary to prevent delays in the trial of actions where applications are made for removal from the Court of Common Pleas to the Supreme Judicial Court.” The Committee would gladly suggest some method, if they were able to

devise it. But none occurs to them. They believe legislation is powerless in the premises.

We are again required to consider the "expediency of amending the Act of 1852, chapter 312, by fixing the time within which answers in the Supreme Judicial Court shall be filed." This, we think, has been wisely left to the Court. All the Courts of the Commonwealth have the power to make rules for facilitating the business before them. It is manifest the Court can determine, with more wisdom than the Legislature, when answers can best be filed.

Upon all the matters, therefore, submitted to us in this Order, we report that it is inexpedient to legislate.

For the Committee,

J. Q. A. GRIFFIN.